

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 : **ORDER**
v. :
 : 19 CR 219 (VB)
MARTIN HODGE, :
 :
Defendant. :
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The sentencing in this case is currently scheduled for June 12, 2020, at 2:30 p.m. Defense counsel has advised the Court that his client wishes to go forward with sentencing as scheduled. However, because of the current COVID-19 public health crisis, it will not be possible to conduct the sentencing in person on June 12, 2020.

Rule 43(a)(3) of the Federal Rules of Criminal Procedure requires the defendant's physical presence at sentencing. During the current national emergency, however, Section 15002(b)(2)(A) and (b)(4) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, empowers the Court to conduct a sentencing by videoconference (or telephone conference if videoconferencing is not reasonably available) if (i) the defendant consents after consultation with counsel, and (ii) the Court finds "for specific reasons" that the "sentencing . . . cannot be further delayed without serious harm to the interests of justice."

Accordingly, it is hereby ORDERED that by May 27, 2020, either party (or both parties jointly) shall explain to the Court in writing the specific reasons why sentencing cannot be further delayed without serious harm to interests of justice. By that date, defense counsel shall also advise the Court in writing whether his client waives his right to be physically present and consents to appear by video conference (or by telephone conference if videoconferencing is not reasonably available).

In the event sentencing goes forward on June 12, 2020, the exact time for the sentencing hearing will have to be re-set to either 9:00 a.m. or 11:00 a.m., to comply with strict scheduling protocols at MCC, where defendant is currently housed.

Dated: May 13, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge